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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/288,140	04/08/1999	SHUNPEI YAMAZAKI	0756-1943	7103

7590

08/21/2003

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EXAMINER

TON, MINH TOAN T

ART UNIT

PAPER NUMBER

2871

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/288,140

Applicant(s)

YAMAZAKI ET AL.

Examiner

Toan Ton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 4-9, 14, 20 and 22-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9, 14, 20, 22-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Double Patenting***

***\* Applicant has not filed a terminal disclaimer, thus the double patenting rejection is maintained.***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321<sup>©</sup> may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 4, 9, 14, 20, 22-53 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 5612799. Although the conflicting claims are not identical, they are not patentably distinct from each other because both comprise similar subject matter such as an interlayer insulating film

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covering the thin film transistor (TFT), a conductive film (Applicant's lead electrode) formed over the interlayer insulating film and connected to the TFT through a hole of the interlayer insulating film, an organic resin film formed over the TFT and the interlayer insulating film, a pixel electrode formed over the organic resin film and connected to the TFT.

Claims 21-24 of the patent recites the two contact holes. The claims recite a first contact hole, a second hole. Furthermore, the first contact hole commonly does not overlap the contact hole.

Materials used for the conductive film and the bus lines such as Al are common and known in the art.

The claims recite a first contact hole, a second hole. Furthermore, the first contact hole commonly does not overlap the contact hole.

3. Claims 4, 9, 14, 20, 22-53 are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims of copending Application 90/006102.

This is a provisional obviousness-type double patenting rejection.

Materials used for the conductive film and the bus lines such as Al are common and known in the art. The claims recite a first contact hole, a second hole. Furthermore, the first contact hole commonly does not overlap the contact hole.

***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

\* *Nakayama et al (US 5231297) was inadvertently included. It is noted that Nakayama was not relied upon in the rejection at all, and it has been removed.*

5. Claims 4, 9, 14, 20, 22-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsueda (JP 01-156725, IDS reference) in view of Wakai et al (US 5055899)

Matsueda discloses a TFT-LCD device comprising (Figure 4): a substrate 40; a TFT element formed the substrate; an polyimide (organic resin) film 52 formed the TFT element; a pixel electrode 48 formed on the organic resin film and connected to TFT-element through a contact hole (see Figure 4); an interlayer insulating film 46 formed between the TFT element and the organic resin film.

The limitation not disclosed by Matsueda is a lead/first electrode.

Wakai discloses a contact metal film (Applicant's conductive film) disposed between the source/drain electrode and the pixel electrode for achieving advantages such as ensuring electrical connection therebetween (col. 8, 2nd paragraph, Figure 9), wherein the contact metal film comprises materials such as Cr, Cu, Al (col. 8, third paragraph). Therefore, it would have been at least obvious to one of ordinary skill in the art to employ a contact metal film disposed between the source/drain electrode and the pixel electrode for achieving advantages such as

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ensuring electrical connection therebetween. Further, it would have at least obvious to one of ordinary skill in the art to employ a contact metal film (Applicant's first electrode) disposed between the source electrode and the source lines (not shown) for achieving similar advantages such as ensuring electrical connection therebetween.

Matsueda shows two different contact holes (Figure 4).

Materials used for the conductive film and the bus lines such as Al are common and known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to employ materials such as Al for the bus lines/conductive film, as it is known and common in the art.

The use of a reflective display device is known in the art for advantages such as no need for backlight, improved energy efficiency. Therefore, it would have been obvious to one of ordinary skill in the art to employ a reflective display device for advantages such as no need for backlight, improved energy efficiency. Further, Matsueda discloses that silicon substrate can be used if the device is a reflection display device (page 6, lines 8-9 of the English translation).

### ***Response to Arguments***

6. Applicant's arguments filed 08-06-03 pertaining to the obviousness double patenting rejection have been fully considered but they are not persuasive.

Applicant's only arguments are as follows: None of the references teaches the claimed invention.

Examiner's responses to Applicant's only arguments are as follows: Matsueda, the primary reference, discloses all claimed limitations except for the first/lead electrode.

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Wakai, the secondary reference, discloses a contact metal film (Applicant's conductive film) disposed between the source/drain electrode and the pixel electrode for achieving advantages such as ensuring electrical connection therebetween (col. 8, 2nd paragraph, Figure 9), wherein the contact metal film comprises materials such as Cr, Cu, Al (col. 8, third paragraph). Further, materials used for the conductive film and the bus lines such as Al are common and known in the art.

### *Conclusion*

7. This is a RCE of applicant's earlier Application No. 09/288140. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. TON whose telephone number is (703) 305-3489. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

August 19, 2003

  
TOANTON  
PRIMARY EXAMINER